

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Sirhan et al.

Examiner: Uyen T. Ho

Group Art Unit: 3731

For: **METHOD AND DEVICE FOR THE  
TREATMENT OF VULNERABLE  
TISSUE SITE**

Serial No.: 10/621,126

Filed: July 16, 2003

Atty. Docket No.: R0378-00101

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.9**

I hereby certify that this correspondence is being transmitted by facsimile at (771) 273-6500 addressed to Mail Stop 16, Director of the Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on May 16, 2007, in San Francisco, CA.

By: **REQUEST FOR REFUND TO ATTORNEY DEPOSIT ACCOUNT**

Mail Stop 16  
Director of the Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned requests a refund to Deposit Acct. No. 04-1679 for charges applied by the U.S. Patent and Trademark Office (PTO) on behalf of the above-referenced divisional application. A copy of the May 2007 deposit account statement is enclosed herewith. Further enclosed herewith are the *Patent Application Fee Determination Record* sheets of July 16, 2003 and May 2, 2007 obtained from the PTO's Patent Application Information Retrieval System (PAIRS).

Applicants filed the above-referenced divisional application on July 16, 2003. A copy of their *Request For Filing A Divisional Application Under 37 CFR 1.53(b)* is enclosed herewith. The preliminary amendment which accompanied their Request amended the number of claims to a total of 94 with 6 independent claims. The Patent Office erroneously counted a total of 151 claims with 6 independent claims as seen in

the Patent Application Fee Determination Record of July 16, 2003. In the Request, Applicants calculated the total charge for filing this divisional application to be \$2334. The Patent Office charged a total of \$3640 for filing of this application on July 16, 2003. In further support, enclosed is the official Filing Receipt mailed October 17, 2003. The *Filing Receipt* indicates the proper total claims filed, as well as the overcharge of \$3640 by the Patent Office. The undersigned requests a refund of \$1306 for the overcharge. The data in the Patent Application Fee Determination Record wrongly indicates the number of claims and consequently charged Deposit Acct. No. 04-1679 accordingly.

The undersigned requests further refund to this same Deposit Acct. No. 04-1679 for the charge applied May 10, 2007 on behalf of the above-referenced divisional application. Applicants faxed file their *Amendment And Response To Office Action Mailed 02/01/2007* on April 30, 2007 followed by their *Supplemental Amendment And Response To Office Action Mailed 02/01/2007* faxed filed May 2, 2007. The Amendments reduced the total number of claims to be examined down to a total of 10 claims inclusive of 1 independent claim. As a result of the amendments filed, the remaining pending claims for examination then fell below the maximum claim numbers of 20 total and 3 independent for no additional fee required. Yet according to the Patent Application Fee Determination Record of May 2, 2007, the Undersigned's Deposit Acct. No. 04-1679 was charged \$4000 for what the PTO office totaled as 382 claims. In the Undersigned's act of retrieving the claims as filed May 2, 2007 from PAIRS, it is apparent that the PTO counted both the claims as filed April 30, 2007 and those of May 2, 2007 and totaled both sets of claims as one continuous set of pending claims, duplicating the number of claims. This resulted in the overcharge to Deposit Acct. No.

04-1679 of \$4000. A copy of the claims "as retrieved" from PAIRS on May 2, 2007 is enclosed herewith. The undersigned believes that there should have been no charge to the Deposit Acct. No. 04-1679 on May 10, 2007, when Applicants reduced their total number of claims down to 10 in the period of April 30, 2007 to May 2, 2007.

The undersigned respectfully requests a refund of \$1306 and \$4000 which were incorrectly charged to Deposit Acct. No. 04-1679 and to refund to said Deposit Acct. No. 04-1679, referencing Atty. Docket No. R0378-00101.

Applicants believe that there is no fee due for this request. Should the Commissioner find otherwise, the Commissioner is authorized to charge the required fees associated with this communication and to credit the refund of overpayment of fees set forth under 37 C.F.R. §2.6 or §2.7, to Deposit Acct. No. 04-1679, referencing Atty. Docket No. R0378-00101.

Respectfully submitted,

By: 

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Direct Dial: (415) 957-3067

## Deposit Account Statement

Page 1 of 9

☒ PTO Logo
**Deposit Account Statement**

Requested Statement Month:

May 2007

Deposit Account Number:

041679

Name:

DUANE, MORRIS LLP.

Attention:

CHRIS LAMBRIODES

Address:

30 S. 17TH STREET

City:

PHILADELPHIA

State:

PA

Zip:

19103

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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## Deposit Account Statement

Page 2 of 9

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## Deposit Account Statement

Page 3 of 9

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## Deposit Account Statement

Page 4 of 9

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## Deposit Account Statement

Page 5 of 9

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05/09 385	11665419	E3059-00025	1617	\$130.00	\$57,689.20
05/09 386	11665419	E3059-00025	8021	\$40.00	\$57,649.20
05/09 3894	10281795	D0932-00200	1501	\$1,400.00	\$56,249.20
05/09 3895	10281795	D0932-00200	1504	\$300.00	\$55,949.20
05/10 181	11119298	D4695-00130	1251	\$120.00	\$55,829.20
05/10 1	10621126	9621.1001	1202	\$4,000.00	\$51,829.20
05/10 260	77176622	D9439-00078	7001	\$325.00	\$51,504.20
05/10 274	77176629	D9439-00078	7001	\$325.00	\$51,179.20
05/10 1153	11470781	D1815-00274	1501	\$1,400.00	\$49,779.20
05/10 1154	11470781	D1815-00274	1504	\$300.00	\$49,479.20
05/10 1639	11746442	2006.1025/1085.490	1011	\$300.00	\$49,179.20
05/10 1640	11746442	2006.1025/1085.490	1111	\$500.00	\$48,679.20
05/10 1641	11746442	2006.1025/1085.490	1311	\$200.00	\$48,479.20
05/10 1691	PCT/US07/68583	E0619-00023	1801	\$300.00	\$48,179.20
05/10 1692	PCT/US07/68583	E0619-00023	1603	\$300.00	\$47,879.20
05/10 1693	PCT/US07/68583	E0619-00023	1701	\$1,008.00	\$46,871.20
05/10 1694	PCT/US07/68583	E0619-00023	1703	\$312.00	\$46,559.20
05/10 1695	PCT/US07/68583	E0619-00023	8007	\$20.00	\$46,539.20
05/10 2262	10216278	HAR62 006	1251	\$120.00	\$46,419.20



## Deposit Account Statement

Page 6 of 9

05/10 44	E-REPLENISHMENT	9203	-\$4,620.00	\$51,039.20
05/10 8	10783826 E0523-00070	1501	\$1,400.00	\$49,639.20
05/10 9	10783826 E0523-00070	1504	\$300.00	\$49,339.20
05/10 31	10894888 R0388-03000	1801	\$790.00	\$48,549.20
05/10 13	11801073 D8726-00027	2011	\$150.00	\$48,399.20
05/10 16	11801073 D8726-00027	2202	\$250.00	\$48,149.20
05/10 15	11801073 D8726-00027	2311	\$100.00	\$48,049.20
05/10 14	11801073 D8726-00027	2111	\$250.00	\$47,799.20
05/10 3549	11675673 D5433-328	1051	\$130.00	\$47,669.20
05/10 1777	2066974 E4444-00096	7205	\$100.00	\$47,569.20
05/10 1778	2066974 E4444-00096	7201	\$400.00	\$47,169.20
05/10 3817	11675881 D5433-329	1051	\$130.00	\$47,039.20
05/10 3924	10929938 E4919-00021	2251	\$60.00	\$46,979.20
05/10 719	11746442 N1085-00490	8021	\$40.00	\$46,939.20
05/10 114	11789974 GE-07368	8021	\$40.00	\$46,899.20
05/10 2238	77177581 D3398-00113	7001	\$325.00	\$46,574.20
05/10 217	11419866 2004.0088CONT./1085.00430	1501	\$1,400.00	\$45,174.20
05/10 218	11419866 2004.0088CONT./1085.00430	1504	\$300.00	\$44,874.20
05/10 2291	2060312	7205	\$400.00	\$44,474.20
05/10 2292	2060312	7201	\$1,600.00	\$42,874.20
05/10 4587	11715182 D8143-00418	1051	\$130.00	\$42,744.20
05/11 5	78855943	7005	\$100.00	\$42,644.20
05/11 65	10611771 GARAY-10-1	1251	\$120.00	\$42,524.20
05/11 337	10610803 GARAY-11-2	1251	\$120.00	\$42,404.20
05/11 338	10610803 GARAY-11-2	1806	\$180.00	\$42,224.20
05/11 594	10818440 E3117-00002	1501	\$1,400.00	\$40,824.20
05/11 1423	10931538 D4781-00082	1501	\$1,400.00	\$39,424.20
05/11 1424	10931538 D4781-00082	1504	\$300.00	\$39,124.20
05/11 1	11509705 CHE01 101	2251	\$60.00	\$39,064.20
05/11 73	0647314 D9147-2326	8521	\$40.00	\$39,024.20
05/11 856	77178103	7001	\$325.00	\$38,699.20
05/11 45	E-REPLENISHMENT	9203	-\$7,960.00	\$46,859.20
05/11 1362	78596878 D9147-06520	7003	\$100.00	\$46,559.20
05/11 1372	0647314 D9147-02328	7205	\$100.00	\$46,459.20
05/11 1373	0647314 D9147-02328	7201	\$400.00	\$46,059.20
05/11 12	10487273	9204	-\$920.00	\$46,979.20
05/11 16	10473954	9204	-\$900.00	\$47,879.20
05/11 91	11711973 D8726-00026	8021	\$40.00	\$47,839.20
05/11 1549	2403088 D2176-00016	7205	\$100.00	\$47,739.20
05/11 1551	2403088 D2176-00016	7206	\$100.00	\$47,639.20
05/11 1550	2403088 D2176-00016	7208	\$200.00	\$47,439.20
05/11 699	10772441 HARRIS MERGER	8021	\$960.00	\$46,479.20
05/11 2282	77178769 D8114-00373	7001	\$325.00	\$46,154.20
05/11 2352	77178800 E5700-00032	7001	\$650.00	\$45,504.20
05/11 2378	77178811 E6436-00002	7001	\$1,625.00	\$43,879.20
05/14 227	77178930 E6436-00005	7001	\$850.00	\$43,229.20
05/14 635	10467847 D3301-00126	1801	\$790.00	\$42,439.20
05/14 331	77178976 K0668-00001	7007	\$275.00	\$42,164.20

## Deposit Account Statement

Page 7 of 9

05/14 1177 11747615	2006.0911/1085.487	1011	\$300.00	\$41,864.20
05/14 1178 11747615	2006.0911/1085.487	1111	\$500.00	\$41,364.20
05/14 1179 11747615	2006.0911/1085.487	1311	\$200.00	\$41,164.20
05/14 188 11875984	N1085-00450	8021	\$40.00	\$41,124.20
05/14 1548 11875984	2006.0180/1085.450	1011	\$300.00	\$40,824.20
05/14 1547 11875984	2006.0180/1085.450	1111	\$500.00	\$40,324.20
05/14 1548 11875984	2006.0180/1085.450	1311	\$200.00	\$40,124.20
05/14 1550 11875984	2006.0180/1085.450	1201	\$200.00	\$39,924.20
05/14 1551 11875984	2006.0180/1085.450	1051	\$130.00	\$39,794.20
05/14 1549 11875984	2006.0180/1085.450	1202	\$400.00	\$39,394.20
05/14 1571 10023500	E4919-00066	2252	\$225.00	\$39,169.20
05/14 578 77179088	E6436-00004	7001	\$975.00	\$38,194.20
05/14 604 77179098	D8114-00342	7001	\$325.00	\$37,869.20
05/14 266 11747615	N1085-00487	8021	\$40.00	\$37,829.20
05/14 677 77179132	Y1886-00007	7001	\$325.00	\$37,504.20
05/14 2272 11719202	D4700-00440	1631	\$300.00	\$37,204.20
05/14 2273 11719202	D4700-00440	1642	\$400.00	\$36,804.20
05/14 2274 11719202	D4700-00440	1633	\$200.00	\$36,604.20
05/14 2297 11747764	BOE01 087	1011	\$300.00	\$36,304.20
05/14 2298 11747764	BOE01 087	1111	\$500.00	\$35,804.20
05/14 2299 11747764	BOE01 087	1311	\$200.00	\$35,604.20
05/14 2300 11747764	BOE01 087	1201	\$600.00	\$35,004.20
05/14 64 11801624	E0523-00078	1011	\$300.00	\$34,704.20
05/14 65 11801624	E0523-00078	1111	\$500.00	\$34,204.20
05/14 66 11801624	E0523-00078	1311	\$200.00	\$34,004.20
05/14 48 E-REPLENISHMENT		9203	-\$3,850.00	\$37,854.20
05/14 27 PCT/US07/63967	E4904-00005	1619	-\$77.00	\$37,931.20
05/14 28 PCT/US07/63967	E4804-00005	1710	-\$931.00	\$38,862.20
05/14 29 PCT/US07/63967	E4904-00005	1701	\$1,008.00	\$37,854.20
05/14 1 PCT/US06/44067	R0367-08720	1703	-\$144.00	\$37,998.20
05/14 4064 10916326	D0932-00489 [I-8884]	1401	\$500.00	\$37,498.20
05/14 4102 11202988	E3755-00007	2501	\$700.00	\$36,798.20
05/14 4103 11202988	E3755-00007	1504	\$300.00	\$36,488.20
05/14 2308 78833527	Y0759-00399	7002	\$100.00	\$36,388.20
05/14 2322 78484805		7004	\$300.00	\$36,088.20
05/14 2868 2451764	E4833-09060	7205	\$300.00	\$35,788.20
05/14 2869 2451764	E4833-09060	7208	\$600.00	\$35,188.20
05/15 65 11300562	Y2428-00098	8021	\$40.00	\$35,158.20
05/15 270 77180354	D8147-07067	7001	\$325.00	\$34,833.20
05/15 628 11013761	D5127-00010	2251	\$60.00	\$34,773.20
05/15 30 0652113	D9147-03015	8521	\$40.00	\$34,733.20
05/15 31 0652113	D9147-03015	8522	\$25.00	\$34,708.20
05/15 424 0645256	D9147-03015	7205	\$100.00	\$34,608.20
05/15 425 0645256	D9147-03015	7201	\$400.00	\$34,208.20
05/15 906 11265843	H2296-00002	2501	\$700.00	\$33,508.20
05/15 907 11265843	H2296-00002	1504	\$300.00	\$33,208.20
05/15 546 78487110		7003	\$100.00	\$33,108.20
05/15 51 1605633	U1729-00003	8821	\$40.00	\$33,068.20

## Deposit Account Statement

Page 8 of 9

05/15 52 1605633	U1729-00003	8522	\$275.00	\$32,793.20
05/15 55 2805301	U1729-00003	8521	\$40.00	\$32,753.20
05/15 56 2805301	U1729-00003	8522	\$425.00	\$32,328.20
05/15 57 1605633	U1729-00003	8521	\$40.00	\$32,288.20
05/15 58 1605633	U1729-00003	8522	\$875.00	\$31,413.20
05/15 220 8194332	U1729-00003	8021	\$960.00	\$30,453.20
05/15 223 6414286	U1729-00002	8021	\$80.00	\$30,373.20
05/15 227 6602811	U1729-00002	8021	\$360.00	\$30,013.20
05/15 2042 11239115	D0932-00628	1814	\$130.00	\$29,883.20
05/15 2043 11239115	D0932-00628	1253	\$1,020.00	\$28,863.20
05/15 2389 60875475	E1875-00050	2052	\$25.00	\$28,838.20
05/15 2390 60875475	E1875-00050	2251	\$80.00	\$28,778.20
05/15 60 11789856	GE-07371	1202	\$50.00	\$28,728.20
05/15 347 10960621	DEP05 1003	1501	\$1,400.00	\$27,328.20
05/15 348 10960621	DEP05 1003	1504	\$300.00	\$27,028.20
05/15 349 10960621	DEP05 1003	8001	\$18.00	\$27,010.20
05/16 62 E-REPLENISHMENT		9203	-\$12,145.00	\$39,155.20
05/15 120 11798483	CHE01 105 CIP CONT	1011	\$300.00	\$38,855.20
05/15 123 11798483	CHE01 105 CIP CONT	1202	\$1,350.00	\$37,505.20
05/15 122 11798483	CHE01 105 CIP CONT	1311	\$200.00	\$37,305.20
05/15 121 11798483	CHE01 105 CIP CONT	1111	\$500.00	\$36,805.20
05/15 4166 11012760	TSMC2004-460(N1280-1160)	1202	\$100.00	\$36,705.20
05/15 4167 11012760	TSMC2004-460(N1280-1160)	1801	\$790.00	\$35,915.20
05/15 102 08984735	C-DIT-1719	1453	\$1,600.00	\$34,415.20
05/15 149 08984735	C-DIT-1719	1501	\$1,400.00	\$33,015.20
05/15 148 2368328	U1729-00003	8521	\$40.00	\$32,975.20
05/15 149 2368328	U1729-00003	8522	\$150.00	\$32,825.20
05/16 182 78328680	N0921-00092	7003	\$100.00	\$32,725.20
05/16 67 5983735	D2251-00104	2652	\$1,160.00	\$31,575.20
05/16 1057 76661040	E5618-00002	7001	\$325.00	\$31,250.20
05/16 3078 11749095	AND01 086	1011	\$300.00	\$30,950.20
05/16 3080 11749095	AND01 086	1311	\$200.00	\$30,750.20
05/16 3081 11749095	AND01 086	1202	\$4,000.00	\$26,750.20
05/16 3079 11749095	AND01 086	1111	\$500.00	\$26,250.20
05/16 3125 11749101	AND01 070	1011	\$300.00	\$25,950.20
05/16 3126 11749101	AND01 070	1111	\$500.00	\$25,450.20
05/16 3128 11749101	AND01 070	1202	\$2,300.00	\$23,150.20
05/16 3127 11749101	AND01 070	1311	\$200.00	\$22,950.20
05/16 167 10585071	CRD-0006US	2252	\$65.00	\$22,885.20
05/16 46 E-REPLENISHMENT		9203	-\$11,370.00	\$34,255.20
05/16 1594 77182105	D9674-00194	7001	\$1,950.00	\$32,305.20
05/16 62 78705546	HAL01 002	6002	\$100.00	\$32,205.20
05/16 3862 60938225	E5762-00002	2005	\$100.00	\$32,105.20
05/16 3901 60938229	E5762-00003	2005	\$100.00	\$32,005.20

START  
BALANCE  
\$61,281.20

SUM OF  
CHARGES  
\$140,058.00

SUM OF END  
REPLENISH BALANCE  
\$120,782.00 \$32,005.20

05/16/2007 15:37 FAX 4159573001

DUANE MORRIS LLP-SF

015/042

Deposit Account Statement

Page 9 of 9

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## PATENT APPLICATION FEE DETERMINATION RECORD

Effective January 1, 2003

Application or Docket Number

10-621-126

## CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	94	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	151 minus 20 =	* 131
INDEPENDENT CLAIMS	6 minus 3 =	* 3
MULTIPLE DEPENDENT CLAIM PRESENT <input checked="" type="checkbox"/>		

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus **	=
Independent	*	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus **	=
Independent	*	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus **	=
Independent	*	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X\$ 9=		OR	X\$18=	2358
X42=		OR	X84=	252
+140=		OR	+280=	280
TOTAL		OR	TOTAL	3640

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

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PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

07/22/2003 DERMAHU1 00000085 041679 10621126

01 FC:1001	750.00	DA
02 FC:1201	252.00	DA
03 FC:1202	2356.00	DA
04 FC:1203	280.00	DA

PTO-1556  
(5/87)

PTO/SB/08 (07-08)

Approved for use through 1/31/2007. OMB 0651-0032  
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PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number		Filing Date		<input type="checkbox"/> To be Mailed	
Substitute for Form PTO-875					10/821,126		07/16/2003			
APPLICATION AS FILED - PART I										
(Column 1)			(Column 2)		SMALL ENTITY <input type="checkbox"/>		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)			RATE (\$)	FEE (\$)		
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(e), (b), or (c))	N/A	N/A	N/A				N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(b), (b), or (m))	N/A	N/A	N/A				N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(c), (b), or (g))	N/A	N/A	N/A				N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$ =		OR		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =				X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).							
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED - PART II										
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT	05/02/2007	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(j))	• 231	Minus	** 151	= 80	X \$ =		OR		X \$50=	4000
Independent (37 CFR 1.16(h))	• 1	Minus	*** 3	= 0	X \$ =		OR		X \$200=	0
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE 4000	
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(j))	•	Minus	**	=	X \$ =		OR		X \$ =	
Independent (37 CFR 1.16(h))	•	Minus	***	=	X \$ =		OR		X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:  
Patsy Zimmerman

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10/621,126	07/16/2003	3731	3640	9821.1001	30	94	6

Edward J. Lynch  
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Spear Tower, Suite 2000  
San Francisco, CA 94105

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DUANE MORRIS  
& HECKSCHER LLP

CONFIRMATION NO. 3099

FILING RECEIPT

10/17/2003 10:17:00 AM  
\*OC000000011058031\*

Date Mailed: 10/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Motasim Sirhan, Sunnyvale, CA;  
John Yan, Los Gatos, CA;  
Kevin Gertner, Los Gatos, CA;

## Domestic Priority data as claimed by applicant

This application is a DIV of 08/717,910 11/20/2000

## Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2003

Projected Publication Date: 01/29/2004

Non-Publication Request: No

Early Publication Request: No

## Title

Method and device for the treatment of vulnerable tissue site



Preliminary Class

623

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

16569 U.S. PTO  
07/16/03

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT

In re the Application of  
Sirhan et al.

) Examiner of Parent Application:  
) U.T. Ho

Serial No: Not Assigned

) Group Art Unit: Not Assigned

Filed: Herewith

For: **METHOD AND DEVICE FOR  
THE TREATMENT OF  
VULNERABLE TISSUE SITE**

Docket No.: 9621.1001

**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. §1.53(b)**

Express Mail Label No.: ER 203738039 US  
Mailed in San Francisco, CA on: July 16, 2003

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/717,910, filed November 20, 2000, of Mutasim Sirhan, John Yan and Kevin Gertner, for **METHOD AND DEVICE FOR THE TREATMENT OF VULNERABLE TISSUE SITE**.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/X/ the same.

- ☐ less than those named in the prior application and it is requested that the following Inventors identified above for the prior application be deleted:
3. ☒ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:
- ☐ amendment below;
- ☒ attached Preliminary Amendment.

**FILING FEE CALCULATION**

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				1001	\$ 750
Independent Claims	6 - 3 =	3 x	\$84 =	1201	252
Total Claims	94 - 20 =	74 x	\$18 =	1202	1,332

**Total Filing Fee..... \$2,334**

4. **Payment of Filing Fees:**
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed herewith.
- ☒ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Docket No. 9621-1001. A duplicate copy of this paper is attached.
5. Please cancel in this application without prejudice claims 3, 5-8, 10, 12, 14, 16-38 and 107-116, from prior copending application Serial No. 09/717,910, filed November 20, 2000.
6. The prior application is assigned of record to: Avantec Vascular Corporation
7. The power of attorney in the prior application is to: Edward J. Lynch.
- ☒ The power appears in the original papers in the prior application.
- ☐ A Power of Attorney and Revocation of Prior Powers is enclosed.

8. Please address correspondence in this matter to:

Edward J. Lynch  
Duane Morris LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105

9. Documents enclosed:

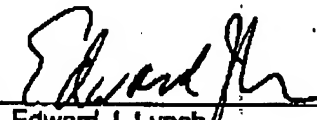
☒ Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed;

☒ A Change of Correspondence Address; and

☒ Return Receipt Postcard.

Respectfully submitted,

By:

  
Edward J. Lynch  
Attorney for Applicants  
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**IN THE CLAIMS**

Please amend claim 46 and add new claims 136-139 as indicated in the following list of pending claims.

**Pending Claims**

1-45. (Canceled)

46. (Currently amended) A system for containing a region of a patient's aortic aneurysm having a healthy aortic portion with a transverse dimension adjacent to the aneurysm, comprising:

a longitudinal tubular guide member having a proximal end, an essentially straight proximal portion, a distal end, a curved distal portion, a port in the distal end, an inner lumen extending through the guide member to and in fluid communication with the port in the distal end; and

an elongated containment member which has a constricted configuration when slidably disposed in the inner lumen of the tubular guide member which is configured to be and which has a relaxed configuration when advanced out the port in the distal end of the guide member that has a transverse dimension which is slightly less than that of the transverse dimension of a healthy portion of the patient's aorta adjacent to the aortic aneurysm and be when disposed about an exterior surface over the aortic aneurysm.

47. (Withdrawn) The system of claim 46 wherein the containment member includes at least one free end.

48. (Withdrawn) The system of claim 47 wherein the at least one free end of the containment member is configured to be atraumatic.

49. (Previously presented) The system of claim 48 wherein the containment member comprises a strand.
50. (Previously presented) The system of claim 49 wherein the strand forms a tubular member.
51. (Previously presented) The system of claim 49 wherein the strand includes a wire member.
52. (Previously presented) The system of claim 49 wherein the strand includes a ribbon member.
53. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand includes a plurality of longitudinally oriented strands transversely spaced apart and attached to an adjacent strand with an attachment mean.
54. (Withdrawn) The system of claim 53 wherein the longitudinally oriented strands have a width ranging from about 0.001 to about 2 centimeters.
55. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand includes a plurality of longitudinally oriented strands transversely spaced apart and a plurality of transversely oriented strands longitudinally spaced apart, the longitudinally oriented strands connected to one another by at least one of the transversely oriented strands.
56. (Withdrawn) The system of claim 55 wherein the longitudinally oriented and transversely oriented strands have a width, independently, ranging from about 0.0001 to about 2 centimeters.
57. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand is formed of a material from the group consisting of polymers, metals, shape

memory alloys, biodegradable material, and a combination thereof.

58. (Withdrawn) The system of claim 56 wherein the shape memory alloy includes nickel titanium.

59. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand is in the form of a coil.

60. (Withdrawn) The system of claim 59 wherein the coil has a constant diameter.

61. (Withdrawn) The system of claim 59 wherein the coil has a variable diameter.

62. (Withdrawn) The system of claim 59 wherein the coil is tapered at either or both ends.

63. (Withdrawn) The system of claim 59 wherein at least some of the turns of the coil when disposed about the exterior of the tissue site wrap around the circumference of the tissue site.

64. (Withdrawn) The system of claim 59 wherein the turns of the coil when disposed about the exterior of the tissue site form an arcuate structure.

65. (Withdrawn) The system of claim 59 wherein the coil in a relaxed configuration has a pitch between adjacent turns ranging from about 0.002 to about 20 centimeters.

66. (Withdrawn) The system of claim 65 wherein the pitch ranges from about 0.002 to about 2 cm.

67. (Withdrawn) The system of claim 65 wherein the pitch ranges from about 2 to about 10 cm.



68. (Withdrawn) The system of claim 65 wherein the pitch ranges from about 10 to about 20 cm.
69. (Withdrawn) The system of claim 65 wherein the coil has a variable pitch.
70. (Withdrawn) The system of claim 65 wherein the containment member has means to secure the adjacent turns of the coil.
71. (Withdrawn) The system of claim 70 wherein the securing means includes any one of coil, wire, or strand.
72. (Withdrawn) The system of claim 49 wherein the containment member has a longitudinal dimension ranging from about 1 mm to about 50 cm.
73. (Withdrawn) The system of claim 49 wherein the containment member includes multiple lumens.
74. (Withdrawn) The system of claim 73 wherein at least one of the multiple lumens is configured to be an inflation lumen, a therapeutic fluid delivery lumen, or a strand lumen.
75. (Previously presented) The system of claim 49 wherein the containment member has outer and inner surfaces defining at least in part a wall, a lumen disposed within the wall, and a containment surface defined at least in part by the inner surface of the wall.
76. (Withdrawn) The system of claim 75 wherein the containment member is configured to deliver therapeutic fluids to the tissue site.
77. (Withdrawn) The system of claim 75 wherein the lumen defined by the containment member inner and outer surfaces is a fluid lumen, either or both the

containment member outer and inner surfaces including at least one aperture fluidically connectable to the containment member fluid lumen.

78. (Withdrawn) The system of claim 77 wherein the aperture size ranges from about 1 micron to about 2 millimeters.

79. (Withdrawn) The system of claim 78 wherein the aperture size ranges from about 1 micron to about 1 cm.

80. (Withdrawn) The system of claim 77 wherein the fluid lumen is fluidically connectable to a source of therapeutic fluid.

81. (Withdrawn) The system of claim 60 wherein the containment member has an outer diameter and an inner diameter defined by the inner surface.

82. (Withdrawn) The system of claim 81 wherein the inner diameter is configured to have a variable dimension.

83. (Withdrawn) The system of claim 82 wherein the containment member has outer and inner surfaces and a fluid lumen defined therebetween and a containment lumen defined by the inner surface, and the inner diameter of the containment member is decreased upon the expansion of the containment member fluid lumen.

84. (Withdrawn) The system of claim 83 wherein the fluid lumen is fluidically connectable to a source of inflation lumen.

85. (Withdrawn) The system of claim 49 wherein the containment member further includes a sleeve disposed on at least a portion of an exterior surface of the containment member.

86. (Withdrawn) The system of claim 85 wherein the sleeve includes multiple lumens.

87. (Withdrawn) The system of claim 86 wherein at least one of the multiple lumens of the sleeve is configured to be an inflation lumen.

88. (Withdrawn) The system of claim 85 wherein the sleeve has an inner and outer surface and an inner lumen disposed therebetween.

89. (Withdrawn) The system of claim 88 wherein the containment member has an inner diameter defined by an inner surface of the containment member, the containment member inner diameter decreasing upon the expansion of the sleeve inner lumen.

90. (Withdrawn) The system of claim 89 wherein the sleeve inner lumen is fluidically connectable to a source of inflation fluid.

91. (Withdrawn) The system of claim 75 wherein the containment member is configured to at least partially encircle at least a portion of the tissue site.

92. (Withdrawn) The system of claim 91 wherein the containment member is configured to at least partially encircle at least a portion of a tissue site adjacent the vulnerable tissue site.

93. (Withdrawn) The system of claim 75 wherein the containment member inner surface has a curvature substantially less than 360 degree.

94. (Withdrawn) The system of claim 75 wherein the containment member inner surface includes an adhesion promoter.

95. (Withdrawn) The system of claim 94 wherein the adhesion promoter is selected from the group consisting of fibrin and cyanoacrylates.

96. (Withdrawn) The system of claim 50 wherein the containment member has an outer surface defining an outer diameter and an inner surface defining an inner diameter.

97. (Withdrawn) The system of claim 96 wherein the vulnerable tissue site has a first thickness and a tissue site adjacent the vulnerable tissue site has a second thickness.

98. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially the same or slightly larger than the thickness of the vulnerable tissue site.

99. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially larger than the thickness of the vulnerable tissue site.

100. (Withdrawn) The system of claim 99 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is about 25% larger than the thickness of the vulnerable tissue site.

101. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially between the first thickness of the vulnerable tissue site and second thickness of the adjacent tissue site.

102. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially the same as the second thickness of the adjacent tissue site.

103. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is slightly less than the second thickness of the adjacent tissue site.

104. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is about 10% less than the second thickness of the adjacent tissue site.

105. (Withdrawn) The system of claim 101 wherein the vulnerable and adjacent tissue sites are part of a first tubular member and the first and second thicknesses are defined by outer diameters of the vulnerable and adjacent tissue sites, respectively.

108. (Withdrawn) The system of claim 77 wherein the aperture is configured to delivered hardenable material to the exterior surface of vulnerable tissue site.

107-116. (Canceled)

117. (Withdrawn) The system of claim 1 wherein the curved portion of the elongated tubular guide member extends from the about 2 mm to about 20 cm from the distal end thereof.

118. (Withdrawn) The system of claim 1 wherein the curved portion of the elongated tubular guide member has a radius of curvature ranging from about 0.5 to about 3 cm.

119. (Withdrawn) The system of claim 1 wherein the curved portion of the elongated tubular guide member is configured to have an angle ranging from about -180° to +180°.

120. (Withdrawn) The system of claim 1 wherein the elongated tubular guide member has multiple deflection points.

121-135. (Canceled)

136. (New) The system of claim 46 wherein the curved distal portion of the longitudinal tubular guide member has a length from the about 2 mm to about 20 cm.

137. (New) The system of claim 46 wherein the curved distal portion of the longitudinal tubular guide member has a radius of curvature ranging from about 0.5 to about 3 cm.

138. (New) The system of claim 46 wherein the curved distal portion of the longitudinal tubular guide member is configured to have an angle ranging from about -180° to +180°.

139. (New) The system of claim 46 wherein the longitudinal tubular guide member has multiple deflection points.

**IN THE CLAIMS**

Please cancel claims 1, 2, 4, 9, 11, 13, 15, 39-45 and 121-135 without prejudice and amend claims 46, 117, 118, 119 and 120 as indicated in the following list of pending claims.

**PENDING CLAIMS**

1-45. (Canceled)

46. (Currently amended) A system for containing a region of a patient's aortic aneurysm, comprising:

~~an elongated a longitudinal~~ tubular guide member having a proximal end, a distal end, a curved distal portion, a port in the distal end, an inner lumen extending through the guide member to and in fluid communication with the port in the distal end; and

an elongated containment member slidably disposed in the inner lumen of the tubular guide member which is configured to be advanced out the port in the distal end of the guide member and be disposed about an exterior surface over the aortic aneurysm.

47. (Withdrawn) The system of claim 46 wherein the containment member includes at least one free end.

48. (Withdrawn) The system of claim 47 wherein the at least one free end of the containment member is configured to be atraumatic.

49. (Previously presented) The system of claim 46 wherein the containment member comprises a strand.

50. (Previously presented) The system of claim 49 wherein the strand forms a tubular member.
51. (Previously presented) The system of claim 49 wherein the strand includes a wire member.
52. (Previously presented) The system of claim 49 wherein the strand includes a ribbon member.
53. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand includes a plurality of longitudinally oriented strands transversely spaced apart and attached to an adjacent strand with an attachment mean.
54. (Withdrawn) The system of claim 53 wherein the longitudinally oriented strands have a width ranging from about 0.001 to about 2 centimeters.
55. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand includes a plurality of longitudinally oriented strands transversely spaced apart and a plurality of transversely oriented strands longitudinally spaced apart, the longitudinally oriented strands connected to one another by at least one of the transversely oriented strands.
56. (Withdrawn) The system of claim 55 wherein the longitudinally oriented and transversely oriented strands have a width, independently, ranging from about 0.0001 to about 2 centimeters.
57. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand is formed of a material from the group consisting of polymers, metals, shape memory alloys, biodegradable material, and a combination thereof.



58. (Withdrawn) The system of claim 58 wherein the shape memory alloy includes nickel titanium.
59. (Withdrawn) The system of any one of claims 49, 50, 51, or 52 wherein the strand is in the form of a coil.
60. (Withdrawn) The system of claim 59 wherein the coil has a constant diameter.
61. (Withdrawn) The system of claim 59 wherein the coil has a variable diameter.
62. (Withdrawn) The system of claim 59 wherein the coil is tapered at either or both ends.
63. (Withdrawn) The system of claim 59 wherein at least some of the turns of the coil when disposed about the exterior of the tissue site wrap around the circumference of the tissue site.
64. (Withdrawn) The system of claim 59 wherein the turns of the coil when disposed about the exterior of the tissue site form an arcuate structure.
65. (Withdrawn) The system of claim 59 wherein the coil in a relaxed configuration has a pitch between adjacent turns ranging from about 0.002 to about 20 centimeters.
66. (Withdrawn) The system of claim 65 wherein the pitch ranges from about 0.002 to about 2 cm.
67. (Withdrawn) The system of claim 65 wherein the pitch ranges from about 2 to about 10 cm.

68. (Withdrawn) The system of claim 65 wherein the pitch ranges from about 10 to about 20 cm.
69. (Withdrawn) The system of claim 65 wherein the coil has a variable pitch.
70. (Withdrawn) The system of claim 65 wherein the containment member has means to secure the adjacent turns of the coil.
71. (Withdrawn) The system of claim 70 wherein the securing means includes any one of coil, wire, or strand.
72. (Withdrawn) The system of claim 49 wherein the containment member has a longitudinal dimension ranging from about 1 mm to about 50 cm.
73. (Withdrawn) The system of claim 49 wherein the containment member includes multiple lumens.
74. (Withdrawn) The system of claim 73 wherein at least one of the multiple lumens is configured to be an inflation lumen, a therapeutic fluid delivery lumen, or a strand lumen.
75. (Previously presented) The system of claim 49 wherein the containment member has outer and inner surfaces defining at least in part a wall, a lumen disposed within the wall, and a containment surface defined at least in part by the inner surface of the wall.
76. (Withdrawn) The system of claim 75 wherein the containment member is configured to deliver therapeutic fluids to the tissue site.
77. (Withdrawn) The system of claim 75 wherein the lumen defined by the containment member inner and outer surfaces is a fluid lumen, either or both the

containment member outer and inner surfaces including at least one aperture fluidically connectable to the containment member fluid lumen.

78. (Withdrawn) The system of claim 77 wherein the aperture size ranges from about 1 micron to about 2 millimeters.

79. (Withdrawn) The system of claim 78 wherein the aperture size ranges from about 1 micron to about 1 cm.

80. (Withdrawn) The system of claim 77 wherein the fluid lumen is fluidically connectable to a source of therapeutic fluid.

81. (Withdrawn) The system of claim 50 wherein the containment member has an outer diameter and an inner diameter defined by the inner surface.

82. (Withdrawn) The system of claim 81 wherein the inner diameter is configured to have a variable dimension.

83. (Withdrawn) The system of claim 82 wherein the containment member has outer and inner surfaces and a fluid lumen defined therebetween and a containment lumen defined by the inner surface, and the inner diameter of the containment member is decreased upon the expansion of the containment member fluid lumen.

84. (Withdrawn) The system of claim 83 wherein the fluid lumen is fluidically connectable to a source of inflation lumen.

85. (Withdrawn) The system of claim 49 wherein the containment member further includes a sleeve disposed on at least a portion of an exterior surface of the containment member.

86. (Withdrawn) The system of claim 85 wherein the sleeve includes multiple lumens.

87. (Withdrawn) The system of claim 86 wherein at least one of the multiple lumens of the sleeve is configured to be an inflation lumen.
88. (Withdrawn) The system of claim 85 wherein the sleeve has an inner and outer surface and an inner lumen disposed therebetween.
89. (Withdrawn) The system of claim 88 wherein the containment member has an inner diameter defined by an inner surface of the containment member, the containment member inner diameter decreasing upon the expansion of the sleeve inner lumen.
90. (Withdrawn) The system of claim 89 wherein the sleeve inner lumen is fluidically connectable to a source of inflation fluid.
91. (Withdrawn) The system of claim 75 wherein the containment member is configured to at least partially encircle at least a portion of the tissue site.
92. (Withdrawn) The system of claim 91 wherein the containment member is configured to at least partially encircle at least a portion of a tissue site adjacent the vulnerable tissue site.
93. (Withdrawn) The system of claim 75 wherein the containment member inner surface has a curvature substantially less than 360.degree.
94. (Withdrawn) The system of claim 75 wherein the containment member inner surface includes an adhesion promoter.
95. (Withdrawn) The system of claim 94 wherein the adhesion promoter is selected from the group consisting of fibrin and cyanoacrylates.

96. (Withdrawn) The system of claim 50 wherein the containment member has an outer surface defining an outer diameter and an inner surface defining an inner diameter.

97. (Withdrawn) The system of claim 96 wherein the vulnerable tissue site has a first thickness and a tissue site adjacent the vulnerable tissue site has a second thickness.

98. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially the same or slightly larger than the thickness of the vulnerable tissue site.

99. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially larger than the thickness of the vulnerable tissue site.

100. (Withdrawn) The system of claim 99 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is about 25% larger than the thickness of the vulnerable tissue site.

101. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially between the first thickness of the vulnerable tissue site and second thickness of the adjacent tissue site.

102. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is substantially the same as the second thickness of the adjacent tissue site.

103. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is slightly less than the second thickness of the adjacent tissue site.

104. (Withdrawn) The system of claim 97 wherein the dimension of the inner diameter of the containment member in a relaxed configuration is about 10% less than the second thickness of the adjacent tissue site.

105. (Withdrawn) The system of claim 101 wherein the vulnerable and adjacent tissue sites are part of a first tubular member and the first and second thicknesses are defined by outer diameters of the vulnerable and adjacent tissue sites, respectively.

106. (Withdrawn) The system of claim 77 wherein the aperture is configured to delivered hardenable material to the exterior surface of vulnerable tissue site.

107-116. (Canceled)

117. (Currently amended) The system of claim ~~[[1]] 48~~ wherein the curved distal portion of the elongated longitudinal tubular guide member extends from the about 2 mm to about 20 cm from the distal end thereof.

118. (Currently amended) The system of claim ~~[[1]] 48~~ wherein the curved distal portion of the elongated longitudinal tubular guide member has a radius of curvature ranging from about 0.5 to about 3 cm.

119. (Currently amended) The system of claim ~~[[1]] 48~~ wherein the curved distal portion of the elongated longitudinal tubular guide member is configured to have an angle ranging from about -180° to +180°.

120. (Currently amended) The system of claim ~~[[1]] 46~~ wherein the  
~~elongated longitudinal~~ tubular guide member has multiple deflection points.

121-135. (Canceled)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Sirhan et al.

Examiner: Uyen T. Ho

Group Art Unit: 3731

For: **METHOD AND DEVICE FOR THE  
TREATMENT OF VULNERABLE TISSUE  
SITE**

TRANSMITTAL

Serial No.: 10/621,126

Filed: July 16, 2003

Atty. Docket No.: R0378-00101

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.5

I hereby certify that this correspondence is being transmitted by facsimile (571) 273-6500 addressed to Mail Stop 16, Director of the Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on May 16, 2007, in San Francisco, CA.

By: 

Mail Stop 16  
Director of the Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for recordation in the above-identified patent application are

- ☒ Request For Refund To Deposit Account;
- ☒ Deposit Account Statement, May 2007 (9 pages);
- ☒ Patent Application Fee Determination Record, July 16, 2003 (2 pages);
- ☒ Patent Application Fee Determination Record, May 2, 2007 (2 pages);
- ☒ Filing Receipt mailed 10/17/2003;
- ☒ Request For Filing A Divisional Application Under 37 CFR 1.53(b) as filed July 16, 2003; and
- ☒ Claims, as retrieved from PAIRS 5/2/2007 (18 sheets).

2. Payment of Fees

- ☒ There is no fee due with this communication. Should the Commissioner find otherwise, the Commissioner is authorized to charge the required fees and to credit any overpayment and refund of fees set forth under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0378-00101. A duplicate copy of this sheet is enclosed for this purpose.

Respectfully Submitted,

By: 

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

Duane Morris LLP  
One Market, Spear Tower, Ste. 2000  
San Francisco, CA 94105  
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COPY



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Sirhan et al.

Examiner: Uyen T. Ho

Group Art Unit: 3731

For: **METHOD AND DEVICE FOR THE  
TREATMENT OF VULNERABLE TISSUE  
SITE**

Serial No.: 10/621,126

Filed: July 16, 2003

**TRANSMITTAL**

Atty. Docket No.: R0378-00101

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

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By: 

Mail Stop 16  
Director of the Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

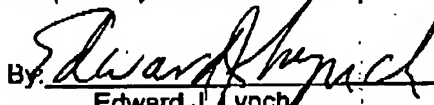
1. Transmitted herewith for recordation in the above-identified patent application are

- ☒ Request For Refund To Deposit Account;
- ☒ Deposit Account Statement, May 2007 (9 pages);
- ☒ Patent Application Fee Determination Record, July 16, 2003 (2 pages);
- ☒ Patent Application Fee Determination Record, May 2, 2007 (2 pages);
- ☒ Filing Receipt mailed 10/17/2003;
- ☒ Request For Filing A Divisional Application Under 37 CFR 1.53(b) as filed July 16, 2003; and
- ☒ Claims, as retrieved from PAIRS 5/2/2007 (18 sheets).

2. Payment of Fees

- ☒ There is no fee due with this communication. Should the Commissioner find otherwise, the Commissioner is authorized to charge the required fees and to credit any overpayment and refund of fees set forth under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0378-00101. A duplicate copy of this sheet is enclosed for this purpose.

Respectfully Submitted,



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